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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,718	10/26/2006	Robert Kenneth Oram	Weitzel 348	6802
7590 Michael Y. Epstein 1551 Ben Sawyer Blvd #5A Mt Pleasant, SC 29464	11/05/2008		EXAMINER SOTELO, JESUS D	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 11/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/552,718	ORAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JESUS D. SOTELO	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 September 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-8 and 12-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 14 and 16 is/are allowed.

6) Claim(s) 1-4,6-8,12-13,15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/18/08.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/2008 has been entered.

2. Claims 14, 6-8, and 12-16 are in the application. Claims 5 and 9-11 have been canceled.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 12 the reference to the spring being "a plurality of resilient leaves disposed along an interior surface of said clamp" applies only to the embodiment of figure 3. In this embodiment there is no strap. However, claim 12 depends from claim 1 which includes a strap and is directed to the embodiment of figure 4. The same applies to claims 13 and 15 which requires the spring as being "inboard of the clamp body". This arrangement is directed to figure

3, but claim 15 depends from claim 14 which includes a strap and is therefor directed to the embodiment of figure 4.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4, 6-8, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, the recitation states, "a strap disposed entirely around the exterior of the clamp body means". The strap 6, however stops at connectors 7, 8, and therefore does not "entirely surround" the clamp body. In this same line 4, there is no proper antecedent for "the clamp body means".

In claim 2, line 2, there is no proper antecedent for "the strap means".

The recitation, "the radially acting spring lies intermediate the strap means" is inaccurate. In neither one of the embodiments of figure 3 or 4 is the spring disclosed as being "intermediate the strap".

Claim 8 , the recitation "the means for urging the clamp body toward the pipe said strap" does not make any sense.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3 and 4 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Daghe et al (4,381,020).

1 (currently amended): A clamp 10 for securing to a pipe or flow line for mounting buoyancy thereon, the clamp comprising:

- i) a clamp body 12 having surfaces against which buoyancy may abut;
- ii) means 24 for urging the clamp towards the pipe; and
- iii) a radially acting spring G capable of expanding or contracting along the radial direction to take changes in dimension of the pipe from a nominal dimension while maintaining a clamping force upon the pipe.

For claims 3 and 4 note column 5, lines 30-35.

Note that “for securing to a pipe or flow line for mounting buoyancy thereon” is an intended use of the clamp. So long as the clamp of Daghe et al can perform such an intended use and has all of the apparatus structure of claim 1, Daghe et al anticipates claim 1.

***Allowable Subject Matter***

9. Claims 14 and 16 are allowed.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-4, 6-8, 12, and 13 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESUS D. SOTELO whose telephone number is 571-272-6686.

The examiner can normally be reached on Mon. - Fri. 7:00 AM -4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JESUS D. SOTELO/  
Primary Examiner  
Art Unit 3617

4 November 2008